

78088

AG Contract No. KR97-0081TRN
ADOT ECS File No. JPA 97-03
Project: ACNH-10-3(322) H 2382 01C
Section: I-10 - Baseline Rd. - Chandler Blvd.
Force Main Installation

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PHOENIX

THIS AGREEMENT is entered into 12 May, 1997,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between
the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION
(the "State") and the CITY OF PHOENIX, acting by and through its MAYOR and CITY
COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into
this agreement and has by resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated to the undersigned the
authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into
this agreement and has by resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has authorized the undersigned to execute
this agreement on behalf of the City.

3. Incident to an improvement project to I-10 between Baseline Road and Chandler
Blvd. now under construction by the State, the City has requested the State install two twenty
four (24) inch domestic sewage force mains in the area of the torn-up Ray Road east bound
off ramp prior to the City's construction project and the reconstruction of the off ramp by the
State's contractor at an estimated cost of \$243,600.00, all at City expense, hereinafter
referred to as the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as
follows:

NO. <u>21543</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>05/12/97</u>
<u>James Lee Hull</u> Secretary of State
By <u>Vicky Greenwood</u>

II. SCOPE

1. The State will:

a. By change order to the existing State construction contract, accomplish the Project on behalf of the City. Administer construction and make all payments to the contractor. Be responsible for any contractor claims for extra compensation on the State's project.

b. Provide construction engineering during construction of the Project, and upon completion, approve and accept the Project on behalf of the parties hereto.

c. Upon execution of this agreement, invoice the City for the cost of the Project, in an amount estimated at \$243,600.00.

d. Move a portion of the City's sound wall approximately three (3) feet into the State's right of way to allow the City's contractor adequate room to install new pipe's within the City's right of way. The design and construction costs associated with this effort are estimated to be \$8,000.00.

e. Not have to remove a privacy wall located in the construction area, thereby saving the State approximately \$8,000.00.

2. The City will:

a. Upon execution of this agreement, pay the State for the cost of the Project, in an amount estimated at \$243,600.00.

b. Be responsible for any Project related contractor claims for extra compensation.

c. Upon completion and acceptance of the work by the State, provide maintenance to the Project.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of the Project and payment; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract change order, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Department of Transportation
Joint Project Administration
205 South 17 Avenue, MD 616E
Phoenix, AZ 85007

City of Phoenix
Water Services Director
200 W. Washington - 8th floor
Phoenix, AZ 85003-1611

Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF PHOENIX, a Municipal
Corporation, Frank Fairbanks, City Manager

STATE OF ARIZONA
Department of Transportation

By Michael Grizuk
MICHAEL GRITZUK, P.E.
Water Services Director

By Victor M. Mendez
VICTOR M. MENDEZ
Deputy State Engineer

ATTEST

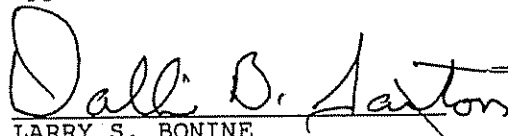
By Vicky Miel
VICKY MIEL
City Clerk

JPA 97-03

RESOLUTION

BE IT RESOLVED on this 13th day of January ,1997, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, enter into an agreement with the City of Phoenix to install two twenty four inch domestic sewage force mains in the Baseline Road and Chandler Blvd. area.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Contract Administrator for approval and execution.


for LARRY S. BONINE
Director

CITY OF PHOENIX, ARIZONA
REQUEST FOR COUNCIL ACTION

Complete this form per O.P. 1.906 and A.R. 4.11.

ACTION REQUESTED Formal Action: Bid Award ____ License Application ____ Other ____
Ordinance ____ Resolution X Emergency Clause? N (Y/N)

SUBJECT DISTRICT 6 - RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL
AGREEMENT WITH ARIZONA DEPARTMENT OF TRANSPORTATION FOR
INSTALLATION OF TWO 24 INCH SEWER FORCE MAINS
(NOTE: Include the word DISTRICT or CITYWIDE in Subject.)

PREPARED BY Name: MG/Paul Kinshella Phone: 4-9839 WP Doc: ADOTIRCA
Backup being sent under separate cover? (Y/N) N

RECOMMENDED BY Department Name: Water Services/Wastewater Engineering Division
Date Prepared: 02/19/97 Div. Approval: Paul Kinshella, P.E.
Req. Agenda Date: 03/05/97 Dept Approval: MS/Michael Gritzuk, PE
If prepared for a different department:
Dept. Name/Approval: _____

BID AWARD/ FORMAL ACTION Bid Bond Required? N Performance Bond Required? N/A
Submitted By Low Bidder? N Amount? \$ _____
Contract Required? Y Requisition No. _____

Contract Amendment? ____ Current Contract No: _____
Approved by: Ord. ____ FA ____ on Date: _____

BUDGET INFORMATION \$ 243,600 (Apprvd: Gerber & Ryan) To Be Encumbered? Y (Y/N)
Source of Funds: CIC Bonds/Wastewater Development Fees Fiscal Year? ____
Index Code (s): S-955872
Subobject(s): 4702
Availability of Funds Approval: Cecile Pettie

CITY MANAGER'S OFFICE

Approved by: David R. Garcia rca400w.w61 C.M. Control Number 45

CITY CLERK DEPARTMENT

RECORDS SECTION File Number: F-2766/6111 RCA Number: 19788
Ordinance Number: _____ Resolution Number: 18879

AGENDA ACTION This item was: Adopted
Contract Number (if applicable): 78088
Comments: _____

COUNCIL SUPPORT Agenda Date: 3/5/97 ITEM NUMBER: 40

DISTRICT 6 - RESOLUTION
AUTHORIZING AN INTERGOVERNMENTAL
AGREEMENT WITH ARIZONA DEPARTMENT
OF TRANSPORTATION FOR INSTALLATION
OF TWO 24 INCH SEWER FORCE MAINS

Resolution authorizing the City Manager to enter into an Intergovernmental Agreement with the State of Arizona Department of Transportation (ADOT) for the installation of two 24 inch sewer force mains as part of the freeway improvement project along the eastbound Interstate 10 off-ramp at Ray Road.

ADOT and the Water Services Department has coordinated the current construction of storm retention basins and installation of new sound walls on I-10 from Warner Road to Ray Road with the future Ahwatukee Force Main Project (S-955872). ADOT has constructed a temporary off-ramp eastbound at I-10 to allow the permanent off-ramp to be taken out of service in March, 1997. The Ahwatukee Force Main Project is scheduled to bid January 22, 1997, with Notice to Proceed to be issued February 24, 1997. The force mains are to be operational within 250 days. It was determined that, to avoid impacting the ADOT construction, it would be best to construct the portion of the force mains at this time.

The installation of the two 24-inch sewer force mains would be more cost-effectively performed by the ADOT contractor than the City. Because ADOT plans to close the intersection, cost savings will be realized with the force mains being installed now. Original plans required the sewer to be jacked and bored to avoid conflicts with streets and traffic.

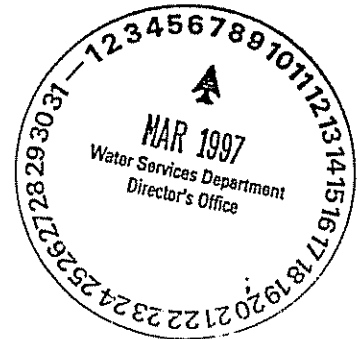
The contractor submitted a cost analysis to ADOT for the 1,200 linear feet of 24 inch force main work. The cost proposal was approved January 9, 1997. The City's consultant, CH2M Hill, will provide construction staking for the contractor, construction inspection and record drawings.

Financial Impact:

The project cost is estimated to be \$243,600. Funds are available from the Civic Improvement Corporation Bonds and Wastewater Development Fees.

MG:MS:PHK:MFG:dkf:ADOT1RCA

Water



RESOLUTION NO. 18879

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT) FOR THE INSTALLATION OF TWO 24 INCH SEWER FORCE MAINS AS PART OF THE FREEWAY IMPROVEMENT PROJECT ALONG THE EASTBOUND INTERSTATE 10 OFF-RAMP AT RAY ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. That the City Manager, or his designee, be, and he is hereby, authorized to enter into an agreement with the Arizona Department of Transportation for the installation of two 24 inch sewer force mains as part of the Freeway Improvement project along the Eastbound Interstate 10 off-ramp at Ray Road.

PASSED by the Council of the City of Phoenix this 5 day of March.

Pepp Bul
VICE MAYOR

ATTEST:

Vicky Muel City Clerk

APPROVED AS TO FORM:

Michael D. Hume ACTING City Attorney

REVIEWED BY:
Frank Paul City Manager

1997 MAR - 5 PM 12: 21
CITY CLERK DEPT.

file
IWS:cz:natres:1663
3/5/97:#45

APPROVAL OF THE CITY OF PHOENIX ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF PHOENIX and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 27th day of February, 1997.

Michael D. Hawn

ACTING City Attorney JCH



City of Phoenix

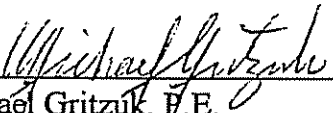
To: David R. Garcia
Deputy City Manager

From: Michael Gritzuk, P.E.
Water Services Director

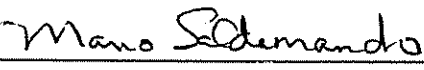
Subject: **Delegation of Authority**

Date: March 6, 1997

During my absence from the City and office from Friday, March 7 through Saturday, March 8, 1997, Mario Saldamando, Assistant Water Services Director for Technical Services, is hereby authorized to act in my behalf and to approve and sign all documents requiring the approval of the Water Services Director.



Michael Gritzuk, P.E.
Water Services Director



Mario Saldamando
Assistant Water Services Director
for Technical Services



GRANT WOODS
ATTORNEY GENERAL

STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
1275 WEST WASHINGTON, PHOENIX 85007-2926

TRN Main: (602) 542-1680
Direct: (602) 542-8837
Fax: (602) 542-3646
MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR97-0081TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED May 5, 1997.

GRANT WOODS
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section